

**Remarks/Arguments:**

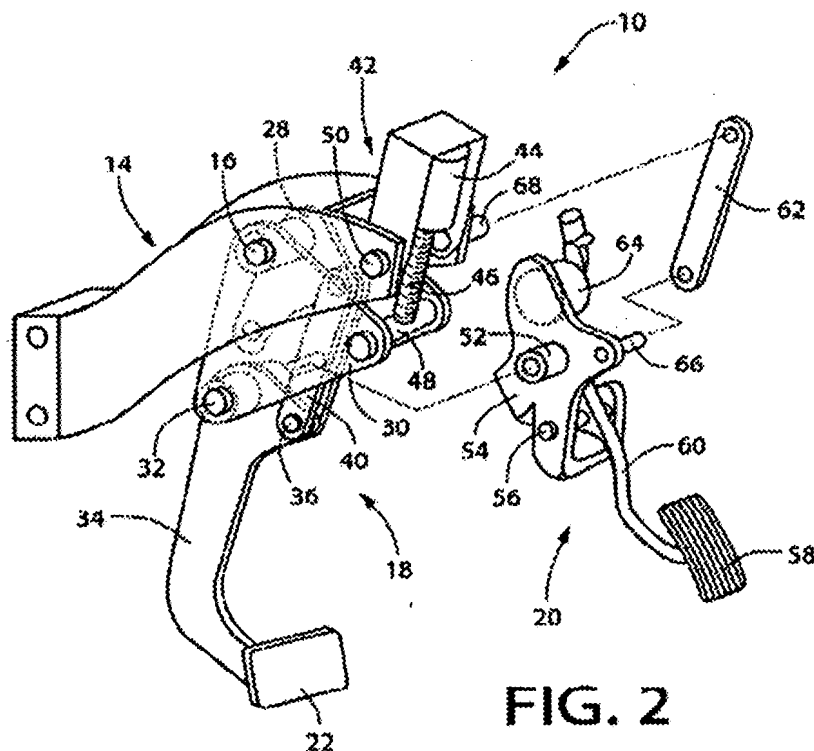
Claims 20-23, 25-30 and 39 are currently pending in the application.

In the final Office Action dated March 3, 2007, claims 20-23, 25-30 and 39 were rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,520,045 ("Fukase et al."). Applicant has carefully considered the final Office Action and respectfully requests that the rejection of claim 39 be reconsidered.

Before discussing claim 39, it would be beneficial to review some of the advantages of Applicant's adjustable pedal device, as discussed in the substitute specification. The applicant's adjustable pedal device allows for a substantially uniform, synchronous adjustment of an accelerator pedal and a brake pedal. (Spec., p. 3 lines 4-7). A major challenge in designing adjustment devices of this kind is not simply to provide a synchronized adjustment, but to do so with as simple a design as possible. As the cited art shows, skilled persons have little trouble designing pedal adjustment devices, so long as they are free to use any number of components. Complicated assemblies with a large number of independently moving parts are susceptible to jamming and other serious problems, however. Applicant's design avoids this by using, among other things, fewer components having an integral unitary construction.

Claim 39 recites in part, an adjustable pedal device for a motor vehicle, "wherein the bottom section of the mounting support comprises an ***integral projection of unitary construction with the mounting support***, said second pedal lever being directly mounted to the projection in a pivotal connection."

In U.S. Patent No. 6,520,045 ("Fukase et al."), the mounting support does not have an "integral projection of unitary construction with the mounting support." To the contrary, the mounting support at (30) is connected to the second pedal lever at (58) through an assembly that includes at least eight discrete and separate components. Reference is made to Fig. 2 of Fukase et al., reproduced below.:



**FIG. 2**

The mounting support (30) is connected to pedal lever (60) through two routes:

1. connecting shaft (32) to sleeve (52) to holding member (54) to shaft (56)
2. bracket (14) to connecting shaft (68) to link (62) to shaft (66) to holding member (54) to shaft (56)

The components listed above do not make up an "integral projection", even under the broadest reasonable interpretation. The components are separate from one another in both structure and function. The Office Action offers two dictionary definitions for "integral", the first being "essential to completeness" and the second being "formed as a unit with another part". Applicant submits that "essential to completeness" is inherent in all claim elements, making this definition inappropriate in a claim context. "Formed as a unit with another part" is much more relevant, and clearly is not shown by the discrete parts in Fuskase et al., which are formed separately and move relative to one another. Therefore, Applicant submits that the first definition is inappropriate, while the second definition actually support Applicant's position.

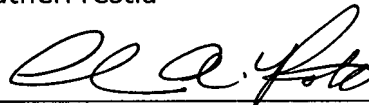
Whether or not we adopt these definitions, Fukase et al. clearly does not show an integral protection "of unitary construction with the mounting support." Rather, the multitude of parts that interconnect mounting support (30) and pedal (58) are independently moving parts that are discrete, and not formed of unitary construction. For example, shaft (32) independently pivots relative to mounting support (30) and must be separate in order to function. The Office Action does not give due consideration to the phrase "unitary construction." Applicant submits that if the multitude of components in Fukase et al. are considered "of unitary construction", as purported in the Office Action, then this phrase carries no meaning, as every discrete element recited in a claim would be considered of unitary construction by virtue of being recited together. Such a conclusion disregards the explicit claim language chosen by applicant, and therefore must be reconsidered.

### **Conclusion**

For all of the foregoing reasons, Applicants respectfully request reconsideration of the rejection of claim 39. If, upon reconsideration, claim 39 is found to be allowable, Applicants will proceed with canceling the remaining claims without prejudice, so as to advance prosecution. If the Examiner still believes that there are outstanding issues preventing allowance of the application at this time, the Examiner is encouraged to contact the undersigned at 610-407-0700.

Respectfully submitted,

RatnerPrestia

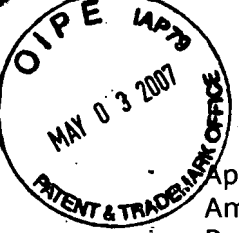


---

Robert P. Seitter, Reg. No. 24,856  
Christopher A. Rothe, Reg. No. 54,650  
Attorneys for Applicants

RPS/CAR/TOP/mgm/dhm

Dated: April 30, 2007  
P.O. Box 980  
Valley Forge, PA 19482  
(610) 407-0700



Appln. No.: 10/528,728  
Amendment Dated April 30, 2007  
Reply to Final Office Action of March 23, 2007

PC10541US

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

April 30, 2007

*Dennis May*